



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

June 14, 2001

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Edwin Morris, Vice President of Refining and Marketing  
Wescourt Group, Inc.  
1493 Highway 6 & 50  
Fruita, Colorado 81521

Re: File No. AED/MSEB - 6032  
Notice of Violation of the Clean Air Act

Dear Mr. Morris:

During August 17 - 20, 1998, authorized representatives of the United States Environmental Protection Agency ("EPA") audited Wescourt Group, Inc. ("Westcourt"), located at 1493 Highway 6 & 50, Fruita, Colorado. The audit was conducted to determine compliance with § 211(k) of the Clean Air Act ("Act"), 42 U.S.C. § 7545(k), and the regulations issued thereunder (40 C.F.R. Part 80).

Where inappropriate fuels are used in internal combustion engines the emissions of harmful gases can increase significantly. Notwithstanding improvements in vehicle emission controls, emissions from motor vehicles continue to make up a very large portion of all air pollution. Congress has established a program of improvement and regulation of fuels to protect our air quality from unnecessary pollution associated with the misfueling of vehicles.

As a result of the audit, EPA has determined that Wescourt sold or supplied in May 1997 four batches of gasoline whose Reid vapor pressure ("RVP") exceeded the 9.0 psi standard. See Enclosure. Where a violation of the volatility standard is detected at a refinery, the refiner shall be deemed in violation. Therefore, Wescourt is liable for violation of 40 C.F.R. § 80.27 based on 40 C.F.R. § 80.28(a).

Sections 211 and 205 of the Act, 42 U.S.C. §§ 7545 and 7524, authorize EPA to assess a civil penalty of up to \$27,500 per day for each such violation plus the economic benefit or savings resulting from the violation. In determining the appropriate penalty for a violation such as this we consider the gravity of the violation, the economic benefit or savings (if any) resulting from the violation, the size of your business, your history of compliance with the Act, actions taken by you to remedy the violation and prevent future violations, the effect of the penalty on your ability to

continue in business and other matters as justice may require. Based on these factors, we propose a civil penalty of \$110,000 for the violations alleged in this Notice.

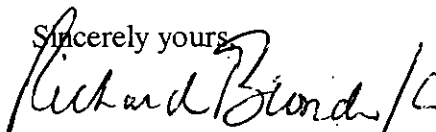
We encourage early settlement of matters such as this. The settlement process provides substantial flexibility for reducing the proposed penalty, particularly if the alleged violation is corrected promptly. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice with a recommendation to file a civil complaint in federal district court.

Please contact the EPA attorney designated below regarding this Notice:

Jocelyn L. Adair, Attorney  
U.S. Environmental Protection Agency  
Mobile Sources Enforcement Branch (2242-A)  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
Phone number: (202) 564-1011

Let me once again emphasize that while we take our obligation to enforce these requirements seriously, we will make every effort to reach an equitable settlement in this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Bruce C. Buckheit", followed by a stylized flourish or initials.

Bruce C. Buckheit, Director  
Air Enforcement Division

Enclosure

**Enclosure**  
**Wescourt RVP Violations**

	<b>BATCH #</b>	<b>DATE</b>	<b>RVP</b>	<b>VOLUME Gallons</b>
1	4081-07549-97-000012	5/1/97	9.17	237,720
2	4081-07549-97-000013	5/1/97	9.21	2,193,492
3	4081-07545-97-000014	5/1/97	9.49	404,292
4	4081-07545-97-000015	5/1/97	9.47	374,094